IN THE HIGH COURT OF JUDICATURE AT BOMBAY

IN INSOLVENCY

PETITION NO. 31 OF 2007.

Re : Vandana Joshi & Anr., ... Debtors.

Ex-parte :-
Asha Kishindas Nagpal . . . . Petitioning Creditor.

Ms. K. S. Lalwani, Advocate for Petitioning Creditor.

Debtors absent though served.

. . . . .

CORAM : A.M.KHANWILKAR J.
NOVEMBER 27, 2007.

P. C.

1. The present Petition is founded on the Ex-parte decree passed by the Court against debtors on 11th January 1996 in B.C.C.C.Summary Suit No.5992 of 1994. As the debtors failed to pay the amount, Insolvency Notice No.N-229 of 2006 dated 17th November 2006 was issued, which was duly served on the debtors No.1 on 4th December 2006 and No.2 on 11th December 2006. Inspite of service, debtors failed to pay the decretal amount. In that sense, act of insolvency was completed on Debtor No.1 on 9th January 2007 and on Debtor No.2 on 16th January 2007.

2. As the debtors failed to pay the amount or offer any explanation for non-payment, Petitioning Creditor has had no option but to take out the present action, which has been filed on 7th April 2007. The debtors have been duly served personally. Inspite of such service, none appears for the debtor. Inspite of such service, none appears for the debtor. No reply have been filed. As no explanation has been offered on behalf of the debtors, Petition ought to succeed in terms of prayer clauses (a) and (c).

(a) that this Honourable Court may be pleased to pass an order of adjudication against the Debtors abovenamed.

(c) And the costs for order of adjudication be provided for.

. Ordered accordingly.

A. M. KHANWILKAR, J.